

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOHN DOE,

Plaintiff,

vs.

St. Joseph's University

and

Jane Roe

Defendants.

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CIVIL ACTION NO. 18-cv-2044

**NOTICE OF APPEAL**

Notice is hereby given that John Doe, plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Third Circuit from the Memorandum and Order granting the Motion for Summary Judgment filed by Defendant Saint Joseph's University on Plaintiff's claim under Title IX; dismissing without prejudice Plaintiff's state law claims against both SJU and Roe without prejudice; and denying the Motion for Summary Judgment filed by Plaintiff John Doe as to Saint Joseph's Counter-Claim as moot on April 23, 2019 (Dkt. Nos 88 & 89), by the Honorable Paul Diamond. Plaintiff, John Doe, also appeals the Memorandum and Order denying Plaintiff's Motion to Compel the deposition of Marianne Schimelfenig entered on August 31, 2018 (Dkt. No. 42), by the Honorable Paul Diamond.

Respectfully submitted,

DATE: May 21, 2019

BY: /s/ John Mirabella

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, John Mirabella, hereby certify that on May 21, 2019, I served a true and correct copy of the foregoing Notice of Appeal on all counsel of record via the Court's ECF system.

/s/ John Mirabella  
JOHN MIRABELLA, ESQUIRE

DATE: May 21, 2019